

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RUSSELL ROAD FOOD AND
 BEVERAGE, LLC,

Plaintiff(s),

vs.

MIKE GALAM, et al.,

Defendant(s).

Case No. 2:13-cv-00776-RFB-NJK

ORDER DENYING MOTION FOR
 CLARIFICATION

(Docket No. 175)


Pending before the Court is Plaintiff's "emergency" motion for clarification. Docket No. 175. This motion is purportedly brought in lieu of a motion to compel as a means to "avoid motion practice." *See id.* at 4. Moreover, the motion is brought on an emergency basis in light of Plaintiff's indication that it would like resolution of the issue prior to August 29, 2014, which Plaintiff asserts is the general deadline for filing motions to compel. *See id.* at 6.¹ In short, Plaintiff seeks an order indicating that Defendants must respond to certain interrogatories, but believes that it may bypass the normal procedures for seeking such relief by captioning its motion as one for "clarification" of the Court's earlier order. To the extent Plaintiff wants to compel answers to interrogatories, it should

¹ The Court expresses no opinion herein as to the "deadline" for filing such a motion to compel. The Court is mindful that it approved the parties' prior stipulation that motions to compel *related to enumerated depositions* may be filed up to August 29, 2014, *see* Docket No. 166 at 4, but that stipulation did not establish a deadline for any other types of motions to compel. Moreover, that stipulation extended the discovery period only as to depositions, *see id.* at 3, so the discovery period with respect to interrogatories appears to have expired almost three months ago, on May 31, 2014, *see id.* at 2.

1 file a proper motion to compel in compliance with the required procedures, including a proper meet
2 and confer. Attempting to obtain the same relief through the pending “emergency motion for
3 clarification” neither avoids motion practice nor establishes the basis for deciding the issue on an
4 expedited basis. Accordingly, the Court finds the pending motion improper and **DENIES** it without
5 prejudice.

6 IT IS SO ORDERED.

7 DATED: August 25, 2014

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NANCY J. KOPPE
United States Magistrate Judge
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